



January 11, 2021

To the International Code Council (ICC) Board of Directors:

The American National Standards Institute (ANSI) is pleased to offer its comments to the ICC Board as the Board considers updating the International Energy Conservation Code (IECC) and Ch. 11 of the International Residential Code using the ICC standards process. Below we provide information on ANSI, the United States Standards Strategy and the ANSI Essential Requirements. Our intention is to inform the Board regarding the attributes of the ANSI Essential Requirements and the ANSI accreditation process. ICC is an ANSI-Accredited Standards Developer in connection with a sub-set of its documents, including A117.1 and other building construction standards.

About ANSI

ANSI is a federation whose members are government agencies, trade associations, standards developing organizations, professional societies, companies, academic and international bodies, and consumer organizations looking to harness the power of standards to position themselves for long-term success. ANSI represents the interests of more than 270,000 companies and 30 million professionals worldwide. As the voice of the U.S. standards and conformity assessment system, ANSI empowers its members and constituents to strengthen the U.S. marketplace position in the global economy while helping to assure the safety and health of consumers and the protection of the environment.

ANSI oversees the creation, promulgation, and use of thousands of norms and guidelines that directly impact businesses in nearly every sector: from acoustical devices to construction equipment, from dairy and livestock production to energy distribution, and many more. Standards developing organizations accredited to ANSI's [Essential Requirements](#) demonstrate commitment to a set of principles that includes openness, balance, due process, and consensus.

Voluntary consensus standards for products, processes, and services are at the foundation of the U.S. economy and society. The United States has a proud tradition of developing and using voluntary standards to support the needs of our citizens and the competitiveness of U.S. industry in world markets. The U.S. Standards Strategy affirms that the U.S. is committed to a sector-based approach to voluntary standardization activities, both domestically and globally.

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United States Standards Strategy

The U.S. Standards Strategy 2020 is a revision of the *National Standards Strategy for the United States (NSS)*, originally approved in August 2000. It establishes a standardization framework built on the traditional strengths of the U.S. system – consensus, openness, and transparency – while giving additional emphasis to speed, relevance, cross-sector interactions and dependencies. It should also be noted that the Strategy calls for strengthening the participation by government at all levels in the development and use of voluntary consensus standards through public-private partnerships.

The United States is a highly diversified society with a market-driven economy, and its standards system reflects this diversity, encompassing multiple and varied standards sources. Standardization activities are defined broadly, to include a variety of deliverables – standards, codes, and so on. The participants – industry, government agencies, public interest organizations, and talented individuals – who understand what is needed, and the standards developers through which they work to meet customer needs determine the focus and choice of deliverable. The availability of different approaches to standards development allows interested parties to address priority issues and develop working methods that fit the problems at hand.

Standardization approaches continue to evolve and are influenced by customer needs as well as by advances in technology. The power of the system lies in a broad spectrum of approaches, flexibility and collaborative mechanisms.

ANSI Essential Requirements

American National Standards (ANS) are voluntary consensus standards¹. For a standard to be approved as an ANS, it must be advanced by an ANSI-Accredited Standards Developer (ASD, www.ansi.org/asd) and developed through an open consensus process, with meaningful and fair opportunities for all stakeholders to contribute. The “*ANSI Essential Requirements: due process requirements for American National Standards*” (www.ansi.org/essentialrequirements) provides the roadmap to approval of a standard as an ANS.

The ANS consensus process must include public notice, outreach to engage a balance of stakeholders on the group that votes on the content of the standard, i.e., ANS consensus body, and must be free from dominance by any single interest, individual or organization. All ANS also comply with ANSI’s patent policy and commercial terms policy, among other requirements.

ASDs are required to maintain written and publicly available procedures, undertake meaningful notice of standards development activities and ensure consideration of timely

¹ [OMB A-119 Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities](#) includes a definition of voluntary consensus standards (VCS). *American National Standards (ANS)* embody this definition.

comments – including those submitted by the public through required public comment opportunities, such as those published in ANSI’s *Standards Action* (www.ansi.org/StandardsAction).

ANSI’s role in the standards development process is a procedural, not technical one. ANSI does not determine whether a proposed project merits vetting; once announced a proposed project will succeed or not, based on participation by directly and materially affected interests – either via voting membership on a standards committee or by the submission of public comments.

ANSI’s ANS procedures also establish specific mechanisms to address conflict and duplication, and require a fair and accessible procedural appeals process – first through the ASD and then through ANSI. Unique to the ANS process is the ANSI audit: ANS are subject to ANSI’s impartial and routine procedural audit process – in addition to other procedural checks-and-balances. This notion of fairness permeates ANSI’s rules and indeed ANSI’s ANS Program Oversight Committees too are subject to conflict of interest procedures with respect to their ANS decision-making responsibilities. Taken together, all of these checks-and-balances result in a voluntary consensus standards process that is fair, accessible and results in standards that advance innovation, safety and the public health.

The integrity and inclusiveness of the ANS process results in high quality standards that help to protect the public and foster commerce. Due process is key to ensuring that ANSs are developed in an environment that is equitable, accessible and responsive to the requirements of various stakeholders and the market. In terms of responsiveness to the needs of various stakeholders, ANSI's procedures provide a significant degree of flexibility in the approach and model utilized by each ASD. Models of ANS-related consensus development vary greatly – this is viewed as a strength allowing broad flexibility to ASDs, of which there are some 240.

A summary of the ANS process checks-and-balances that provide comprehensive due process safeguards includes:

- Standards development procedures must be publicly available;
- Public notice requirements apply at various phases in the development cycle, including an opportunity for public review and comment on all substantive drafts of the proposed standard;
- Outreach to achieve balance on the consensus body is required as is targeted outreach to underrepresented interests;
- Consideration of all timely comments received whether from a voting member of a consensus body or a public review commenter;
- Equal access to voting member status on consensus bodies must be afforded;
- Informal resolutions of disputes are encouraged, but when a formal appeal is filed, a multi-level appeals process through ANSI relating to the ANSI-accredited status of ANS developers and the approval of a standard as an ANS exists;

- Neutral oversight of ASDs and ANS provided by ANSI Program Oversight Committees in accordance with published procedures, subject to conflict of interest considerations; and
- Mandatory procedural audit of all ANSI-accredited developers as a condition of maintaining accreditation.

In conclusion, approval of a document as an American National Standard (ANS) indicates that its sponsoring ANSI-Accredited Standards Developer voluntarily subjected the standard to an open, transparent, consensus development process subject to ANSI's neutral third-party oversight. Participation by an ASD in the ANS process establishes a connection between that developer and the larger recognized network of ANSI-accredited standards developers who consider the interests of stakeholders in industry, consumers, government and the public in developing American National Standards. ANSI's process results in standards that improve safety and the quality of life in this country, promote U.S. business products and practices in the U.S. and globally, and enable a public-private partnership in a flexible environment characterized by due process.

ANSI thanks the Board for this opportunity to provide comments. ICC is a valued member of the ANSI family and we look forward to continued partnership.

Sincerely,



Frances E. Schrotter
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American National Standards Institute (ANSI)